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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/736,937	12/14/2000	Duane D. Blatter	13861.21.2	1535

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EXAMINER

ROBERTS, PAUL A

ART UNIT

PAPER NUMBER

3731

DATE MAILED: 05/21/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/736,937

Applicant(s)

BLATTER ET AL.

Examiner

Paul A Roberts

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 27 March 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-37 is/are pending in the application.
- 4a) Of the above claim(s) 8 9 14 17 28 37 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 29-36 is/are allowed.
- 6) ☒ Claim(s) 1-19, 22-24, 26-28 is/are rejected.
- 7) ☒ Claim(s) 20, 21 and 25 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 March 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 11.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Claim Objections

1. Claim 22 is objected to because of the following informalities: the applicant wrote that the tabs extend from the first compression plate toward the side of the first compression plate. Since something cannot extend towards where it came from, and the diagrams clearly show the first compression plate tabs extending towards the side of the second compression plate, the examiner suggests changing the word “first” in line 3 of claim 23 to “second.” The examiner also noted claim 20, which claims similar subject matter. This claim further suggests that the applicant intended the tabs to extend towards the second vessel. Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-19, 22-24, & 26-28 are rejected under 35 U.S.C. 102(b) as being anticipated by Lim et al. “Lim” ‘615.

2. Regarding claim 1, Lim discloses an anastomosis device with two compression plates that don’t puncture the vessel. The vessel walls are placed inside the compression plates and are inverted. A locking component or holding means (shown in figures 3 and 4) locks the device together.

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3. Regarding claim 18, Lim further discloses a plurality of tabs as shown as item 6 in figure
4. The tabs are mounted directly to the rings of the anastomosis plates.
4. Regarding claims 2 & 19, figure 3 shows a snap fit orientation of the plates, and this locking limitation is described in lines 10-20, col. 5.
5. Regarding claims 3 & 5, figure 4 shows a plurality of locking arms (6), which extend into plate 1 from plate 4. Arms (6) extend from the periphery of plate 4.
6. Regarding claim 4, the Lim et al. device is an anastomosis device designed to form an anastomosis. Thus it would inherently be designed with adequate lengths of the compression plates to enable the device to lock onto itself so that the anastomosis does not fail.
7. Regarding claim 6, figure 3 shows the Lim et al. device comprising all the elements of claim 1 and a second holding means (the surface of the plate is the holding means) which is located around the second compression plate. The vessel is everted and placed onto the plate as shown in figure 3.
8. Regarding claims 7 and 26, when the Lim et al. device is placed at an angle, the device extends radially around the blood vessel in the downward direction from uppermost vessel.
9. Regarding claim 10, figure 4 shows the compression plate system wherein the tabs (6) on plate 4 and the tabs on plate 1 serve as the holding means for the compression plates.
10. Regarding claims 11 & 22, the first and second holding means are located along the inner periphery of the respective openings of the vessel.
11. Regarding claim 12, the compression plates are in a mating position as shown in figure 4 when the vessels are brought into contact with one another.

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12. Regarding claim 13, the second holding means hold the second vessel in a partially inverted manner (figure 4).
13. Regarding claim 15, figure 4 shows a locking arm on plate 4 and a locking extension on plate 1.
14. Regarding claims 16 & 27, figure 6 shows the anastomosis of a circular opening.
15. Regarding claim 23, figure 4 shows the plurality of holding tabs (5) extending from the first plate toward the anastomosis side of the second plate.
16. Regarding claims 24, the tabs extend perpendicularly towards from the ring of first compression plate as shown in figure 4.

Allowable Subject Matter

17. Claims 29-36 are allowed.
18. The following is an examiner's statement of reasons for allowance: claim 26 recites the limitations of an anastomosis plate device comprising holding tabs, a ring, two plates, a holding surface, locking arms, and a locking extension. The prior art does not disclose an anastomosis device with all of these limitations.
19. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

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20. Claims 20, 21, & 25 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

21. The following is a statement of reasons for the indication of allowable subject matter: regarding claims 20 and 21, these claims claim a plurality of locking arms and locking tabs. The prior art fails to disclose an anastomosis device with a plurality of both arms and tabs.

Regarding claim 25, the prior art fails to teach the limitation of curved holding tabs. The Lim et al. reference fails to disclose any reasons one would modify his design to include curved tabs.

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Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US 5123908 A	Anastomotic device
US 4233981 A	Device for closing severed body vessels
US 4523592 A	Anastomotic coupling means capable of end-to-end and end-to-side anastomosis
US 5336233 A	Anastomotic device
US 5366462 A	Method of side-to-end vascular anastomotic stapling
US 6503259 B2	Expandable anastomotic device
US 4931057 A	Compression anastomosis coupling assembly
US 5250058 A	Absorbable anastomotic fastener means
US 5122156 A	Apparatus for securement and attachment of body organs
US 5893369 A	Procedure for bypassing an occlusion in a blood vessel
US 5425738 A	Endoscopic anastomosis ring insertion device and method of use thereof
US 6193734 B1	System for performing vascular anastomoses
US 6497710 B2	Method and system for attaching a graft to a blood vessel
US 6206913 B1	Method and system for attaching a graft to a blood vessel
US 6508822 B1	Medical graft assembly
US 6524322 B1	Anastomosis device

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US 6171321 B1	Devices and methods for performing a vascular anastomosis
US 5817113 A	Devices and methods for performing a vascular anastomosis
US 5695504 A	Devices and methods for performing a vascular anastomosis

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paul A Roberts whose telephone number is (703) 305-7558. The examiner can normally be reached on 7:30-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Milano can be reached on 703-308-2496. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-3590 for regular communications and (703) 305-3590 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0858.

PR

Paul Roberts
May 6, 2003


MICHAEL J. MILANO
SUPERVISORY PATENT EXAMINER
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